

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

APR 09 2018

for the
District of New MexicoMATTHEW J. DYKMAN
CLERK

United States of America)

v.)

Mario Garcia)

DOB: xx-xx-1976)

SSN: xxx-xx-5520)

Case No. 18 MJ 1157

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 04/06/2018 in the county of Rio Arriba in the
State and District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 2113(a)

Bank robbery and incidental crimes

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.
Complainant's signature

Kyle S. Marcum, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

4-9-18

City and state:

Albuquerque, NM
Judge's signatureKirtan Khalsa U.S. Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA)
)
VS.)
)
Mario Garcia)
DOB: XX/XX/1976)
SSN: XXX-XX-5520)

AFFIDAVIT

I, Kyle Marcum, being duly sworn, depose and say as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) currently assigned to the Santa Fe Resident Agency of the Albuquerque Division, to investigate violations of Federal Criminal Law, to include: 18 U.S.C. § 2113 (a), whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association. The information set forth in this Affidavit has been derived from my own investigation or communicated to me by other sworn law enforcement officers or from other reliable sources.

2. On February 20th, 2018 at approximately 3:00pm, the Wells Fargo Bank, a Federal Deposit Insurance Corporation (FDIC) insured bank, located at 3 West Gutierrez Street, Santa Fe, NM, 87506 was robbed at gunpoint by a then unknown male subject. Witnesses who were inside the Wells Fargo at the time of the robbery described the robber as possibly a Hispanic or Native American male, approximately 5'8 inches tall, with a medium build and weighing about 180 pounds. Witnesses described the subject as wearing a dark in color hoody sweat shirt with the hood pulled up, a black mask, gloves which were duct taped to the hooded sweatshirt, pajama style pants with a blue checkered pattern and dark in color shoes. The subject brandished a handgun with a black lower and silver upper slide. The subject gave the bank teller a soft, smooth, bag similar to a "Crown Royal" bag, into which the teller was ordered to put US currency. A review of the surveillance footage provided by Wells Fargo Bank confirmed this description with the addition that the gloves worn by the subject wore appeared to be blue in color.

3. Around the time of the robbery, a witness who worked next door as a waitress at The Sopaipilla [sic] Factory located at 7 West Gutierrez Street, Santa Fe, NM, 87506 observed a male walking toward the bank dressed in a dark color hoody sweatshirt, blue pajama pants with a blue checkered pattern, grey in color gloves with duct tape on the sleeves, with the hoody sweatshirt pulled up over his head. The witness described him as a skinny male with dark colored skin. A few minutes later, the witness reported seeing the same individual this time run in the opposite direction of the bank, toward the Pojoaque Supermarket, located at 9 West Gutierrez Street, Santa Fe, NM, 87506, wearing a black mask over his face.

4. Surveillance camera footage provided by the Pojoaque True Value store, located at 5 West Gutierrez Street, Santa Fe, NM, 87506 and the Pojoaque Supermarket showed what

appeared to be a blue in color, early 2000s model Buick LeSabre four door sedan drive past the hardware store at approximately 2:54pm and parked in the Pojoaque Supermarket parking lot approximately 30 seconds later. After parking, the sedan drove out of the parking lot and parked again in a different spot in the same parking lot at approximately 2:55pm. At approximately 2:57pm an individual predominately dressed in dark clothing emerged from the vehicle and walked in the direction of the Wells Fargo Bank. The individual then hid behind a wall and dumpster that is connected to The Sopaipilla [sic] Factory at approximately 2:58pm and stayed behind the wall and or dumpster for approximately three minutes. At approximately 3:01pm, the individual emerged from behind the wall and ran into the Wells Fargo Bank and departed the bank less than one minute later. The individual then ran back toward the parking lot of the Pojoaque Supermarket where the blue Buick LeSabre pulled out of its parking spot and met the subject at approximately 3:02pm. The subject entered the passenger side of the vehicle and the vehicle immediately drove out of the parking lot.

5. Based on my training and experience and the input of additional law enforcement officers, I believed that the above mentioned vehicle observed in surveillance footage from Pojoaque True Value and the Pojoaque Supermarket, was used to facilitate the bank robbery and that vehicle was a 2000 through 2007 model Buick LeSabre. Based on this information I queried New Mexico Department of Motor Vehicles databases for vehicle registrations matching that description for the areas of Espanola, Pojoaque and Chimayo, NM. I chose to search to these physical areas because they were the three closest cities to the Wells Fargo Bank and because numerous witnesses inside the bank described the subject as a, "local." This query identified five vehicles matching the above description, one of which was a blue in color, 2001 Buick LeSabre registered to Mario Garcia and Amanda Sherwood.

6. National Crime Information Center (NCIC) queries for Garcia indicated a significant criminal history to include previous burglary charges. Criminal charges against Garcia available through NCIC include but are not limited to the following:

- a. 2013: Burglary of a dwelling or house
- b. 2011: Burglary of a dwelling or house, larceny, destruction of public property, receiving stolen property, tampering with evidence, resisting, evading or obstructing an officer, use or possession of drug paraphernalia, concealing identity
- c. 2010: Concealing identity and numerous failure to appear warrants
- d. 1998: Shooting at/from a motor vehicle, warrant for failure to appear for distribution of drug paraphernalia and larceny
- e. 1997: Larceny of \$100
- f. 1995: DWI, careless driving, concealing identity and eluding a police officer
- g. 1993: Accessory to DWI

7. On February 26th, 2018, Albuquerque Office of the FBI received an anonymous phone call from a caller with a blocked telephone number. The individual stated the person who robbed the Wells Fargo on February 20, 2018 was currently at the Ohkay Owingeh Casino. The caller indicated he/she knew the person who robbed the bank. The caller identified the individual who robbed the bank as Mario Garcia. The caller stated the Garcia carries a gun in his car at all times and described the gun as chrome with a black handle. The caller also stated that Garcia had purchased a new car but did not know the make or model of the vehicle. The caller stated Garcia had claimed he had gotten away with \$25,000 from the robbery and that Garcia lived on Upper San Pedro Road in Espanola, but did not know the exact address. The caller also provided a general description of what Garcia was wearing at the time of the phone

call.

8. On February 27th, 2018 I reviewed surveillance footage from the Ohkay Owingeh Casino that showed Garcia at the casino on the night of February 26th, 2018. Garcia can be seen talking and interacting with numerous individuals and playing casino games. After approximately one hour at the casino Garcia is observed leaving the casino with a male subject.

9. On February 24th, 2018 the FBI Public Access Line (PAL) reported to FBI Albuquerque that they had received an anonymous tip from the same caller with the phone number and area code registered in New Mexico. The caller stated the individual who robbed the bank in Pojoaque was Mario Garcia. The caller described Garcia as a Hispanic male, approximately 5'7, with short black hair and a mustache, tattoos on his arm and a tattoo on his neck that says "Garcia." The caller had last seen Garcia on February 22nd, 2018 and stated that Garcia was currently in Albuquerque, NM. Caller believed Garcia had gotten away with about \$25,000 from the robbery. Numerous attempts were made to contact the caller's number back in order to interview the anonymous tipster without success.

10. On March 14th, 2018 FBI Special Agent Michelle Cobb and I met with the caller, hereinafter identified as Confidential Human Source (CHS), who reported that Mario Garcia was the person who robbed the Wells Fargo Bank in Pojoaque on February 20th, 2018. The CHS reported that Garcia's girlfriend is a woman named Amanda Sherwood. The CHS reported that Garcia showed him/her a black mask and said, "This mask is wanted in three counties" and showed the CHS blue gloves and a gun which was black with a chrome upper slide. The gun also had incandescent green aiming sights. The CHS had seen Garcia with this gun before and knew Garcia to carry it on him at all times and to keep it loaded. Garcia bragged to the CHS that he had robbed a guy or a girl who were going to "make a deposit." Garcia described to the

CHS that he instructed Sherwood to park their car near the Pojoaque Supermarket and had Sherwood pick him up after the robbery around 3pm. The CHS reported that Garcia was extremely high on Xanax at the time of the meeting and was wearing, "checkered pajama style pants."

11. The CHS reported that Garcia went to Albuquerque after the robbery for about a week. While in Albuquerque, Garcia sold the vehicle he used in the robbery to someone for \$500 and also bought items such as new shoes. Garcia also purchased a purple 1995 Infinity Q45 sedan while in Albuquerque which Garcia is now currently driving. The CHS reported that Garcia lives at his mother's address on Upper San Pedro Road, in Espanola, NM. The CHS confirmed it was the split garage and house on the right hand side of the road as you drive toward the house.

12. The CHS believes that Garcia is a bad person and "would rob a grandma." The CHS reported Mario has severely beaten his girlfriend before and sent her to the hospital. The CHS reported that Garcia is addicted to drugs and sells drugs. Garcia robs people in order to get more drugs and will rob someone if he starts to feel withdrawal symptoms. Garcia attempted to rob the Penny Pincher Laundromat in Espanola on February 28th or March 1st and was looking to rob people around the first of the month because that is when they get paid.

13. A search of social media indicated that Garcia maintains a Facebook account. The Facebook account for Garcia contains a number of photographs posted by Garcia that speak to his mindset to include:

- a. March 18th, 2018 at 9:23am: A picture of heavily tattooed individual with religious text and the caption "Forgive me Lord because I am a sinner!"
- b. February 5th, 2018: A picture of an individual holding a firearm with the text:

“KELTEC PLR16 They are \$700 and shoot 223 rounds + factory threaded barrel and accepts standard ar clips and drums... I think I have a crush.” Garcia captions the photo with the following statement: “I want this soo fuk’n bad!!!!..”

- c. December 20th, 2016: A picture of an individual aiming a gun at the reader with the text: “I’ll shoot you in the chest before I shoot you in the back” and a caption from Garcia stating: “100%”
- d. December 18th, 2016: A picture of a heavily tattooed male loading a hand gun with the text: “I dont give a fuck who you know or who you run with fuck a squad. I’ll show up at your door one deep”
- e. December 10th, 2016: A picture of an individual holding a large amount of cash with the text: “If I have to break the law to feed my family, then lord forgive me.”
- f. November 29th, 2016: A picture of a male answering a door with a gun behind his back and text that reads: “I don’t trust anyone even the devil was once an angel 187” Garcia captions the picture with the following comment: “I answer my door the same fuk’n way!! So drop by...187”

14. On March 26th, 2018 I interviewed a second person who said that Garcia was the individual who robbed the Wells Fargo Bank on February 20th, 2018. This individual met with Garcia shortly after the robbery occurred at Boneyard Auto Salvage, 6 A-B Boneyard Court, Espanola, NM, 87532 where Garcia was attempting to fix a headlight to his vehicle. The individual described the vehicle Garcia was driving as a Buick or Chrysler and the model as a LeSabre or Lacrosse. The individual also indicated that Sherwood was with Garcia at the time. The individual explained that Garcia and Sherwood had been in Santa Fe, NM earlier in the day for Sherwood to receive a methadone treatment. On the drive back from Santa Fe to

Espanola is when Garcia and Sherwood decided to rob the bank. Garcia was extremely high at the time of the robbery and offered varying explanations to the individual about where the money had come from. The individual originally suspected Garcia had robbed the bank when he saw the crime scene tape on the day of the robbery but later was sure it was him when he/she saw news coverage of the robbery and saw a picture of the robber holding the distinct silver and black handgun. The individual had seen Garcia with the handgun before and described it as silver and black with green aiming sights. The individual stated that Garcia always carries a ski mask and gloves with him to facilitate robberies. The individual was concerned for his safety and indicated that Garcia had previously worked for an unspecified drug cartel and had killed people in Arizona and Texas on behalf of the cartel.

15. On February 27th, 2018 SA Michelle Cobb and SA Travis Taylor (FBI) interviewed the owner of Boneyard Auto Salvage. The owner was shown a photograph of Garcia and asked if he recognized him. The owner indicated he recognized Garcia and that he had been to the salvage yard recently but could not remember the exact date. The owner stated that Garcia comes to the business every two to three months and is usually intoxicated or high when he shows up. The owner described Garcia as a, "trouble guy" and recalled an altercation between Garcia and an employee where Garcia had threatened to use a gun. The owner remembered Garcia showing up with someone on the day in question, however, could not recall who it was. The owner remembered Garcia driving a Pontiac or Buick and that Garcia was looking for a headlight for the car. The owner remembered that Garcia seemed to be in a hurry that day and jammed headlights into the car that didn't fit and left quickly.

16. On April 6, 2018, Garcia was investigatively detained by the FBI and the New Mexico State Police (NMSP). While detained, Garcia spontaneously uttered to NMSP Sergeant

Adam Sandoval, that he possessed a handgun similar to the gun that SGT Sandoval was carrying, which was a Smith and Wesson M&P 9mm pistol. Garcia also stated that he had a Savage model 2.2 .50 caliber firearm and could shoot a police officer from a long distance with it.

17. Garcia is a known felon and is prohibited from possessing firearms.

18. Also on April 6, 2018, Garcia was interviewed by myself and Special Agent Travis Taylor (FBI). During the interview, Garcia described the layout of the bank and the location of each employee that was present during the robbery. Garcia was asked about why he waited behind the dumpster at the The Sopaipilla [sic] Factory for so long, Garcia stated he was trying to decide if he had wanted to rob the bank or not. When asked why Garcia did it, he said he did it for a girl. I asked Garcia if had robbed the bank for Amanda (Amanda Sherwood), and he replied that he had. Garcia admitted to robbing the bank in Pojoaque, but not to robbing the Pinch Penny Laundromat in Espanola.

19. Based on the information set forth in this affidavit, I submit that there is probable cause to believe that Mario Garcia did unlawfully enter and commit a felony at in the Wells Fargo Bank located at 3 West Gutierrez Street, Santa Fe, NM, 87506.

20. I further submit that this robbery was committed in violation of 18 U.S.C. § 2113
(a) – Bank robbery.

I swear that this information is true and correct to the best of my knowledge.


KYLE MARCUM

Special Agent

Federal Bureau of Investigation

Santa Fe, New Mexico

Subscribed and sworn to before me this 9 day of April, 2018.



UNITED STATES MAGISTRATE JUDGE

Albuquerque, New Mexico